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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

18-M-289

- against -

VICTOR BENJAMIN and
INSAF ALI,

COMPLAINT

(18 U.S.C. § 545)

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

GABRIEL HARPER, being duly sworn, deposes and states that he is a Special Agent with the United States Fish and Wildlife Service (“USFWS”), duly appointed according to law and acting as such.

On or about April 4, 2018, within the Eastern District of New York and elsewhere, the defendants VICTOR BENJAMIN and INSAF ALI did knowingly, intentionally and unlawfully smuggle into the United States prohibited wildlife, to wit: fourteen (14) finches found on BENJAMIN’s person and twelve (12) finches found on ALI’s person without valid permit or declaration, taken, possessed and transported in violation of the laws of the United States from a place outside thereof.

(Title 18, United States Code, Section 545)

The source of your deponent's information and the grounds for his beliefs are as follows:¹

BACKGROUND

1. In recent years, United States Customs and Border Patrol ("CBP") officers working at John F. Kennedy International Airport ("JFK") have intercepted numerous individuals trying to bring finches, which are small seed-eating birds, into the United States from Guyana by concealing the birds in various manners without declaring the birds on the required importation forms.

2. My investigation has revealed that individuals keep finches to enter them in singing contests in the Eastern District of New York. In such contests, often conducted in public areas like parks, two finches sing and a judge selects the bird determined to have the best voice. Many who attend the singing contests wager on the birds. A finch who wins these competitions becomes valuable and can sell for in excess of \$5,000. Although certain species of finch are available in the United States, species from Guyana are believed to sing better and are therefore more highly sought after. An individual willing to smuggle finches into the United States from Guyana can earn a large profit by selling these birds in the New York area.

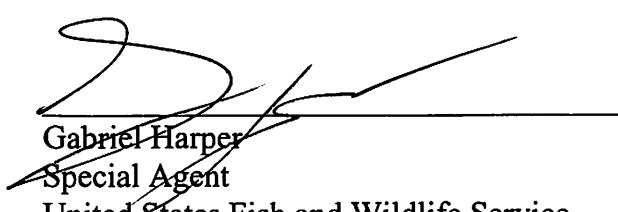
¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

THE DEFENDANTS' CONDUCT

3. On or about April 4, 2018, the defendants VICTOR BENJAMIN and INSAF ALI arrived at JFK in Queens, New York aboard Jamaica Airlines flight OJ426 from Georgetown, Guyana. BENJAMIN and ALI were each selected for a customs examination, which revealed that BENJAMIN and ALI possessed live finches, concealed in hair curlers and placed in their socks. In total, the searches revealed that BENJAMIN possessed fourteen (14) finches and ALI possessed twelve (12) finches. The birds were placed in sanitary cages where they will later be transferred to the United States Department of Agriculture ("USDA") for quarantine. The defendant's CBP declaration stated that he was entering the United States without any wildlife.

4. Searches of USDA and USFWS databases revealed that the defendants VICTOR BENJAMIN and INSAF ALI did not apply for nor receive permits authorizing the importation of the birds into the United States.

WHEREFORE, your deponent respectfully requests that the defendants VICTOR BENJAMIN and INSAF ALI be dealt with according to law.


Gabriel Harper
Special Agent
United States Fish and Wildlife Service

Sworn to me before this
4th day of April, 2018


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